

The Honorable RICHARD A. JONES
U.S. Magistrate Judge MICHELLE L. PETERSON

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

MICHAEL ROGERS, RONALD
ACKERSON, and DAMIEN RIVERA *et al.*,

Plaintiffs,

vs.

DEPARTMENT OF CHILDREN, YOUTH
and FAMILIES (DCYF) *et al.*,

Defendants.

CASE NO.: C21-5248-RAJ-MLP

STIPULATION AND ORDER

NOTE ON MOTION CALENDAR:

September 28, 2021

I. STIPULATION

The parties, by and through their respective attorneys of record, hereby stipulate to the following:

1. The parties agree to stay depositions, including the deposition of Jennifer Redman, and continue the current deadline for Plaintiffs to file their Motion for Class Certification and Report of Class Certification Expert from December 3, 2021 to March 4, 2022, until this Court has ruled on Plaintiffs' Motion for Continuance under FRCP 56(d). Dkt. # 69.

2. This agreement was the product of a meet-and-confer conference occurring on September 23, 2021, following Plaintiffs' service of notice of deposition of Defendant

1 Jennifer Redman (set for October 6, 2021) and before a motion for protective order relating to
2 immunity defenses asserted in this case.

3 3. The extension of time is a compromise based on Plaintiffs' position that it is
4 necessary in order to allow the Plaintiffs sufficient time to prepare their motion for class
5 certification and related expert report following relevant depositions and discovery, including
6 Ms. Redman's deposition. Plaintiffs' agreement to stay depositions in this matter is therefore
7 contingent on the Court's extension of the deadline for their Motion for Class Certification. As
8 part of this stipulation, this Court should re-set the due date of December 3, 2021 to March 4,
9 2022 for Plaintiffs to file their Motion for Class Certification and Report of Class Certification
10 Expert.

11 4. The deadline for Defendants to file their opposition to Plaintiffs' Motion for Class
12 Certification should be re-set from the due date of January 21, 2022 to April 22, 2022.

13 5. Plaintiff's deadline to file their Reply re: Motion for Class Certification should
14 be re-set from February 25, 2022 to May 27, 2022.

15 6. Depositions in this matter should be stayed pending the court's ruling on
16 Plaintiffs' Motion for Continuance under FRCP 56(d).

17 RESPECTFULLY SUBMITTED this 28th day of September, 2021.

18 COLUMBIA LEGAL SERVICES

19 ROBERT W. FERGUSON
Attorney General

20
21 s/ Sarah R. Nagy
SARAH R. NAGY, WSBA No. 52806
22 ALISON S. BILOW, WSBA No. 49823
NICHOLAS B. STRALEY, WSBA No. 25963
23 101 Yesler Way, Suite 300
Seattle, WA 98104
24 Telephone: (206) 464-0838

25 *Attorneys for Plaintiffs*

21 s/ Daniel J. Judge
DANIEL J. JUDGE, WSBA No. 17392
22 *Senior Counsel*
ANNE MILLER, WSBA No. 48355
23 WILLIAM MCGINTY, WSBA No. 41868
CINDY J. GADDIS, WSBA No. 49788
24 *Assistant Attorneys General*

25 *Attorneys for Defendants*

II. ORDER

IT IS HEREBY ORDERED that:

1. The stipulation of the parties is APPROVED AND ADOPTED.
2. Plaintiffs' deadline under the pretrial scheduling order to file their Motion for Class Certification and Report of Class Certification Expert is continued from December 3, 2021 to March 4, 2022.
3. The deadline for Defendants' to file their opposition to Plaintiffs' Motion for Class Certification should be re-set from the due date of January 21, 2022 to April 22, 2022.
4. Plaintiff's deadline to file their Reply re: Motion for Class Certification should be re-set from February 25, 2022 to May 27, 2022.
5. Depositions in this matter are STAYED until this Court has ruled on Plaintiffs' Motion for Continuance under FRCP 56(d).

Dated this 28th day of September, 2021.



MICHELLE L. PETERSON
United States Magistrate Judge

Presented by:

ROBERT W. FERGUSON
Attorney General

s/ Daniel J. Judge
DANIEL J. JUDGE, WSBA No. 17392
Senior Counsel
ANNE MILLER, WSBA No. 48355
WILLIAM MCGINTY, WSBA No. 41868
CINDY J. GADDIS, WSBA No. 49788
Assistant Attorneys General

Office of the Attorney General

1 7141 Cleanwater Drive SW
2 PO Box 40124
3 Olympia, WA 98504-0124
4 Telephone: (360) 586-6565
5 Fax: (360) 586-6657
6 Email: Daniel.Judge@atg.wa.gov
7 William.McGinty@atg.wa.gov
8 Anne.Miller@atg.wa.gov
9 Cindy.Gaddis@atg.wa.gov

10 *Attorneys for Defendants*

11 Approved for Entry by:

12 COLUMBIA LEGAL SERVICES

13 s/ Sarah R. Nagy

14 SARAH R. NAGY, WSBA No. 52806
15 NICHOLAS B. STRALEY, WSBA No. 25963
16 JONATHAN MOMAMIUKOR, WSBA No.
17 ALISON BILOW, WSBA No.
18 101 Yesler Way, Suite 300
19 Seattle, WA 98104
20 Telephone: (206) 464-0838

21 Email: Sarah.Nagy@Columbialegal.org
22 Nick.Straley@Columbialegal.org
23 Jonathan.Nomamiukor@columbialegal.org
24 Alison.Bilow@Columbialegal.org

25 *Attorneys for Plaintiffs*